



HOUSE OF REPRESENTATIVES

SB 1248

~~body of water, aggregate mining~~

NOW: pet store operators; dealers; regulations

Prime Sponsor: Senator Shooter, LD 13

DPA/SE Committee on Agriculture, Water and Lands

DPA Caucus and COW

X House Engrossed

OVERVIEW

SB 1248 prohibits pet stores and dealers from acquiring dogs and cats from sources that are not licensed by the USDA or have violated animal welfare regulations; establishes penalties for violation of this Act; prevents municipalities and counties from adopting or enforcing ordinances that are inconsistent with this Act; and establishes a 9-member dog and cat breeder study committee.

PROVISIONS

1. Prohibits pet stores and dealers from obtaining dogs or cats from anyone that:
 - a. is required to be licensed by the U.S. Department of Agriculture (USDA) and is **not** currently licensed;
 - b. has committed violations of USDA regulations within two years before obtaining the dog or cat;
 - c. received an indirect no access violation on each of the two most recent inspection reports issued by the USDA; or
 - d. committed three or more indirect non-administrative violations of USDA regulations relating to the health and welfare of the animal during the two-year period before obtaining the dog or cat.
2. Prohibits the sale and resale of dogs and cats obtained from a third-party source that has violated USDA regulations and is **not** licensed.
3. States that pet stores and dealers are presumed to have acted in good faith and satisfied the obligation to ascertain if the source of the animal is in compliance with this Act if the pet store or dealer conducted a search for breeder inspection reports on the [Animal Care Information System](#) maintained by the USDA when placing an order to obtain the animal(s).
4. Specifies each order placed by a pet store or dealer to obtain a dog or cat is considered as a single act, regardless of the number of animals obtained.
5. Requires pet stores and dealers to maintain records for at least two years for purposes of verifying compliance with the requirements of this Act and make available for inspection on request of county or municipal peace officers or enforcement officials.
6. Requires pet dealers to display the source of dogs or cats offered for sale on the animal's cage or enclosure and all marketing materials for the animal, which must include the following information:
 - a. name of the breeder;

- b. license number if the breeder is licensed by the USDA; and
 - c. the USDA website where information about the breeder may be obtained.
7. Declares the regulation of pet dealers is a statewide concern.
 8. Prohibits and preempts any municipality or county ordinance that imposes sourcing requirements on pet dealers that exceed the requirements or penalties prescribed by this Act.
 9. Prohibits any local law, rule, regulation or ordinance from prohibiting the sale of dogs or cats by a pet store or dealer based on the source of the animal if obtained in compliance with this Act.
 10. Allows municipalities and counties to enact and enforce ordinances that impose penalties against a pet store or dealer that is not in compliance with this Act and regulate the control of dogs if the regulation is not breed-specific.
 - Current law establishes a maximum civil penalty of \$1,000 per violation ([A.R.S. § 44-1799.08](#)).
 11. Establishes civil penalties for pet stores and dealers that knowingly obtain a dog or cat or should have known that a dog or cat was obtained in violation of this Act. The **maximum** penalties are as follows:

1 st violation	\$1,000 per violation
2 nd violation within a 5-year period	\$2,500 per violation
3 rd or subsequent violation within a 5-year period	\$5,000 per violation; and an order entered by the court enjoining the pet store or dealer, for up to 3 years, from selling dogs or cats obtained from sources other than a pound or humane society.

12. Defines a subsequent violation as a violation that occurs within a 5-year period after a final judgement or order.
13. Establishes a 9-member committee to review data regarding the protection of pets, consumers, pet dealers and pet breeders from existing regulatory models; study options to encourage spay and neuter clinics, adoption and healthy breeding of dogs and cats; and study the breeding of pets by licensed and unlicensed breeders. The committee will consist of:
 - a. four legislators;
 - b. one breeder licensed by the USDA;
 - c. one pet dealer;
 - d. one member from an animal shelter or rescue;
 - e. one breeder who is exempt from USDA licensing; and
 - f. one representative from a state university with experience in USDA animal care standards.
14. Requires the committee to submit a report regarding its findings and recommendations to the Governor, Legislature and Secretary of State by December 31, 2016.
15. Makes technical and conforming changes.

CURRENT LAW

A.R.S. Title 44, Chapter 11, Article 17 establishes regulations for pet dealers, pet store operators and for-profit retail sale of animals, excluding commercial livestock. The regulations specify the following requirements, among others:

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- a. minimum sanitary conditions and nutrition standards for dogs and cats;
- b. requirements for providing housing and sufficient space for the animals;
- c. proper handling of animals with contagious diseases; and
- d. standards for veterinary care for animals received by a pet dealer.

Statute prohibits the sale of animals less than eight weeks old and requires pet dealers to maintain a written record for at least one year after each cat or dog is sold on the health, status and disposition of the animal at the time of sale.

ADDITIONAL INFORMATION

[The Animal Welfare Act](#) was signed into law by Congress in 1966 (P.L. 89-54) and is administered by the USDA. The Act requires pet dealers, animal breeders and exhibitors to be licensed, inspected and maintain compliance with applicable regulations, among other requirements.